



Department
for Environment
Food & Rural Affairs

Area 3B, Nobel House
17 Smith Square
SW1P 3JR

T: 03459 335577
helpline@defra.gov.uk
www.gov.uk/defra

Ms Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee
UN Economic Commission for Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10
Switzerland
(By email only)

26 July 2019

Dear Ms Marshall,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom regarding access to justice in connection with waste management (ACCC/C/2016/142)

1. We refer to your correspondence dated 28 June 2019 and email correspondence from the communicant in the matter at caption, dated 29 June 2019. We note that it is unclear whether the communicant is in agreement with the suggestion that the matters covered in ACCC are also covered in Decision VI/8k. He has responded that he considers the question of costs quantum to be separate from the other issues raised in his communication which appear to be primarily related to his dissatisfaction with the outcome of the appeals process he has outlined therein, rather than the process itself.
2. If the Committee is re-examining the question of admissibility in this communication then we would like to reiterate our arguments dated 20 September 2016 on the inadmissibility of this matter and our suggestion that, given the fact that decision VI/8k addresses the issue of costs broadly, there is no need to progress this communication any further. We would therefore still support a determination that this matter is inadmissible on the grounds set out therein.
3. However, we wish to make clear that Decision VI/8k does not address the operation of the specific legal regime relating to litter abatement orders in the UK or the facts surrounding this communication. We therefore would object to any suggestion that a specific determination or recommendations on this communication could be made on the basis of Decision VI/8k. Should the committee find it necessary to make specific findings on this

particular regime, then we would expect that a hearing be scheduled so that both Parties can present their arguments in full.

4. Lastly, we would also welcome some further clarification from the Committee on the reasons behind this line of enquiry, to assist our understanding of their intentions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "E. D. Balan". The signature is written in a cursive style with a long, sweeping tail.

Edward Donaldson-Balan
United Kingdom National Focal Point to the UNECE Aarhus Convention